

## **MINUTES OF REGULAR MEETING HELD DECEMBER 11, 2018**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, December 11, 2018 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 12, 2017. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, THE STAR LEDGER, and TAP INTO WESTFIELD and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Arena, Dardia, Neylan, Contract, Stokes, Mackey

**ABSENT:** Councilman LoGripino

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Habgood followed by the flag salute.

### **PRESENTATIONS**

#### **Historic Preservation Committee**

Kelly Kessler, Historic Preservation Commission Chairperson, provided an update of the status of historic preservation in Westfield. Discussed goals and objectives of the Historic Preservation Commission pursuant to Town ordinance, and also discussed the subcommittees established to help achieve these goals and objectives as follows:

#### **Historic Preservation Plan Review Committee**

Ms. Kessler explained that the Historic Preservation Plan Review Committee was charged with surveying the Town and preparing an updated list of properties to be considered as an addition to the historic preservation plan. Explained that because the Historic Preservation update is part of the Master Plan update, it would be finalized in conjunction with the Master Plan. Also stated that she was appointed to the Master Plan Steering Committee in conjunction with her role as Historic Preservation Commission Chairperson.

#### **Designation and Historic Homeowner Relations Committee**

The Designation and Historic Homeowner Relations Committee was comprised of high school interns and was charged with the task of identifying the names of homeowners for the properties included on the aforementioned list prepared by the Historic Preservation

Plan Review Committee. Explained that mailings would be sent to the property owners included on this list in early 2019.

#### Historic Designations

Ms. Kessler reported that three (3) properties were designated as historic properties in 2018, including 603 Clark Street, the Reeve House and Triangle Park, and discussed the status of each designation. Also discussed other properties that were considered for historic designation and explained that while these properties are not being pursued for designation at this time, the Historic Preservation Commission feels progress was made in educating residents as to the meaning of local historic designation and how it might benefit the neighborhood.

#### Certificates of Appropriateness

Ms. Kessler reported that the Historic Preservation Commission heard two (2) applications for Certificates of Appropriateness in the Kimball Avenue district in 2018. The Historic Preservation Commission also provided a recommendation to the Planning Board with respect to a subdivision application at 667 Fourth Avenue. A hearing on the application for a Certificate of Appropriateness in connection with this subdivision would be held and stated that the Historic Preservation Board looks forward to meeting with potential buyers of the property to ensure a successful outcome for all.

#### Historic Research Committee

The Historic Research Committee worked with Westfield High School interns to create a photographic library of historic houses. Photographs and an architectural description of each home are available on the Town's website.

#### Communications Committee

Ms. Kessler discussed the Communications Committee and explained that this committee generated press in both print and electronic media throughout 2018 and collaborated with other organizations, such as the Westfield Historic Society, the Media Advisory Council and the Downtown Westfield Corporation. The Historic Preservation Commission also held four (4) speaker series in the Municipal Building, the first being a "Meet and Greet" with Historic Preservation Commission members. Stated that the event was well attended and feels it was a success. The second of the series was held in May with an invitation to Jonathan Kinney of the NJ State Historic Preservation Office to meet with the Historic Preservation Commission. Mr. Kinney provided an overview of the State's preservation landscape and discussed the benefits of establishing a local historic preservation program. The third program in the series was the reestablishment of the Devlin Award, which was named after Harry Devlin, and is awarded to businesses and homeowners to recognize them for the maintenance and restoration of their properties. Stated that fourteen (14) homeowners were presented with the Devlin Award in 2018. Commended Jennifer Jaruzelski, Historic Preservation Commission member, and Pamela Wiaczek and Debby Burslem, Historic Preservation Commission volunteers, for their involvement, stating that these individuals were instrumental in "making this happen". Another program in the speaker series involved Robert Wendell, Historic Preservation Commission member and Town Historian, and his presentation of the history of Westfield. Mr. Wendell conducted his presentation in historic garb and included rare artifacts specific to

Westfield. Also stated that Jennifer Jaruzelski created a display in the Westfield Memorial Library to highlight the Historic Preservation Commission's mission and activities. In addition, Historic Preservation Commission member Maria Boyes spearheaded a video entitled, "This Place Matters" in conjunction with Historic Preservation Month. Stated that the video was available on social media and highlighted Westfield's historic properties. The video also featured many residents, including members of the Westfield Fire Department, standing in front of the historic buildings holding "This Place Matters" signs, which she feels was very impactful. Lastly, Ms. Kessler stated that the Historic Preservation Commission created a Facebook page and looks forward to expanding its use in 2019.

#### Historic Preservation Ordinance Review Committee

Ms. Kessler discussed the Historic Preservation Ordinance Review Committee, in which she is a member, along with Robert Wendell, the Town Attorney and the Town Planner. This committee met weekly to discuss revisions to the Town's historic preservation ordinance. A revised ordinance has been drafted and forwarded to the NJ State Historic Preservation Office for its review. Explained that the ordinance is being revised to comply with State regulations, allowing the Historic Preservation Commission to become a certified local government, meaning that the State would recognize the Westfield Historic Preservation Commission as a legitimate commission.

Ms. Kessler commended its members and volunteers for helping the Historic Preservation Commission to achieve these goals during 2018.

Mayor Brindle congratulated Ms. Kessler and the Historic Preservation Commission on the progress made in 2018 and stated that the Town would continue to partner with the Historic Preservation Commission.

#### Town Administrator's Reports

- Provided an update of the road resurfacing program. Listed those roads paved since the last Town Council meeting and those remaining on the list. Announced that all ADA compliance ramps, inlet replacement, and manhole framing and so forth have been completed on all roads that were paved. Discussed the remaining roads to be paved and the timeframe for completion. Explained that the only road included in the 2018 program that would not be paved until next year is Park Drive, which has been postponed to allow for the completion of Mindowaskin Playground improvements and to allow for coordination of road resurfacing with the path replacement in Mindowaskin Park that is scheduled to begin next year;
- Provided an update of improvements to Mindowaskin Playground, stating that completion of the project is expected next week. Discussed the potential for a ribbon cutting ceremony or an event to commemorate the entire park renovation. Stated that exact dates and times for the opening of the playground would be posted on social media and the Town's website;
- Discussed the progress with the installation of restrooms at Memorial Park. Stated that details as to plan assessment, plan design and utility markings are all in place and utility work is planned to begin within the next week, with installation of a prefabricated restroom facility being installed and operational in time for opening day of the pool;

- Provided an update of leaf collection and announced that DPW is on its second pass with leaf collection and is currently picking up in zones three (3) and eight (8). Also announced that there would be a third pass for collection, which would be followed with street sweepers to pick up remnants. Also discussed the purchase of new street sweepers which be used in conjunction with this year's leaf collection program. Also stated that residents that need leaves collected after the third pass could contact public works for pickup. Encouraged residents to check the Town's website and social media for updates;
- Discussed a resolution included on this evening's agenda to award a contract for curbside collection of recyclable material for 2019. Discussed the bidding and negotiating processes that occurred and changes to the program that would begin in 2019. Explained that only plastics numbered one (1) and two (2) would be collected at curbside due to the change in the international commodities market for recycling. Also explained that these changes are impacting all municipalities in the State, not just Westfield;
- Announced that electronic waste (Ewaste) collection at the Conservation Center has resumed. Explained that Ewaste collection is part of a Union County process and was suspended because the vendor had not been collecting from the Conservation Center on a regular basis. The vendor picked up yesterday, and other vendors for this service have been identified in order to avoid suspension of this collection in the future;
- Announced that parking meter fees would be suspended in the Downtown beginning December 15, 2018 and ending January 1, 2019. Reminded residents that time limits would still apply
- Provided an update of the revaluation process. Stated that inspections continue and the Town's vendor, Realty Appraisal Company, has sought an extension from Union County to complete inspections. Residents whose properties have been inspected and appraised should begin to receive letters from Realty Appraisal Company later this month or in January. Once residents receive a letter with their new assessment, they should contact Realty Appraisal Company to schedule an appointment to discuss and ask questions concerning the new assessment. Explained that the process to discuss new assessments would take place before an appeal process. This phase of the process should be completed in March or April, with a new tax rate being calculated in May or June. Also explained that because it has been over thirty (30) years since the last revaluation, assessments are very unusually low and the tax rate is very unusually high. Once the revaluation process is complete and assessments accurately reflect market rates, the tax rate would be reduced correspondingly. Explained that a large increase in a property's assessment does not necessarily indicate that there would be a large increase in property taxes. Also stated that the deadline to file a tax appeal has been extended one (1) month since the Town is currently undergoing a revaluation. In addition, regular updates concerning the revaluation are available on the Town's website, and reminded residents that have not had their property inspected to contact Realty Appraisal Company. Lastly, explained that some residents have questioned the timeframe for the completion of the revaluation, expecting the entire process to be completed by November 1. Clarified that it is the inspection process that was scheduled to be completed in November and December, with the entire process being completed in 2019. A final tax bill reflecting new assessments would be issued in September of 2019.

Mayor's Remarks

- Thanked the Downtown Westfield Corporation and those who attended the Christmas tree lighting and the menorah lighting. Encouraged all to shop downtown and to enjoy the holiday entertainment throughout the month. Also encouraged residents to participate in the Town's first gingerbread house contest that will begin this week. Announced that the Town is suspending parking meter fees in the Downtown from December 15 to January 1 to encourage local shopping and support of Westfield merchants. Feels if the Town wants the Downtown to continue to thrive it has to play its part;
- Discussed new additions to Downtown Westfield including Warby Parker, The Oils Room, and Compassionate Therapy, and announced that Addams Tavern would be re-opening this week. Also discussed businesses scheduled to open in the near future, such as Atlantic Health, Bareburger, Buddha Sushi, Cinnaholic, Innovasion Taco, Osteo Strong, Orgreen Poke, Portokali Modern Grill, and Signature Realty. Informed residents that she remains focused on the long-term, which includes improving the general business climate enabling businesses to succeed, from creating events like AddamsFest and Second Sundays to drive foot traffic, to passing ordinances that enable new experiences like rooftop dining, and reducing the bureaucracy of opening a business by granting more latitude to the zoning official to avoid unnecessary Board of Adjustment applications and expense for aspiring business owners. Stated that she does not "buy into" the narrative that rents are too high, and would resist attempts to demonize property owners who also happen to be significant taxpayers. As a municipality, believes the Town has a responsibility to adequately invest and innovate its downtown so that it can attract top tier tenants, which she feels is beginning to happen, but also feels plenty more needs to be done. Also believes it is the responsibility of landlords to adequately invest in their properties, and that it is incumbent upon retailers to innovate and evolve to stay relevant in changing times. Explained that it is a three way partnership in which all need to do its part. Asked residents to resist the tendency to place blame or overreact when a store closes. Stated that this is a "long game", and a new Master Plan is the first step;
- Announced that the Master Plan process began last week, as the Steering Committee and consultants, H2M, met for the first time to map out the process. Stated that opportunities for residents to participate would occur early in 2019, either through online surveys or through attendance of a series of public meetings. Feels this is a very exciting time to reimagine all that is possible for the Town's future, and public participation is needed. Encouraged everyone to follow the Town's social media channels, which now includes Instagram, and to check the Town's website for updates;
- Announced that there is some good news to report on AddamsFest. Referred to the Town Council's vote of 7-2 to approve this year's budget, which included a \$25,000 appropriation for AddamsFest. Discussed the strategy behind creating AddamsFest, explaining that it was always intended to be more than a "Halloween party", and was envisioned as an annual event with the potential to be revenue neutral over time. Feels this is consistent with the long-term approach she has been taking with most initiatives as Mayor. Further explained that last year she chose not to move forward with a previously approved \$30,000 expense for twelve (12) months of promotion in a Westfield print publication because she was concerned with instituting a potential recurring expense that she feels would have limited long-term benefit to the Town. Stated that AddamsFest was created specifically with long-term benefit in mind: to increase community engagement, to showcase Westfield by promoting its unique history, and to improve the business

climate in Town. Stated that she is thrilled to confirm that AddamsFest succeeded on all fronts. Explained that the Town received significant free publicity and promotion in numerous print and digital publications, regional cable news, and social media outlets whose reach went beyond Westfield, including:

- NJ Family;
- NJ.com;
- NJ News12;
- My Central Jersey;
- Njkidsonline;
- H Mag (Hoboken); and
- Tap Into Westfield, with over 13 articles.

Also stated that the Town's social media, initiated by its Public Information Officer, reached over 3,600 people per day on average, in addition to the countless residents who posted about it and shared it on their own social media pages. Feels the value of all of this free promotion could not be overstated. Additionally, informed residents that it is estimated that over 12,000 people participated in one or more AddamsFest activities, of which seventy-five (75%) percent were sold out, with the art exhibit alone attracting over 2,000 visitors. Stated that the Town just completed its reconciliation of the AddamsFest financials, and the event exceeded expectations. Announced that it generated a net profit of just over \$20K, after accounting for overtime costs for police, fire and DPW, an expense typically incurred for many Town events, which in this case was \$24,000. In addition, of the original \$25,000 in "seed" money that had been appropriated, only \$4,000 was needed. Further explained that these financials do not take into account the number of visitors that came into Town and shopped in Westfield stores and dined in Westfield's restaurants. Feels the economic benefit to merchants was significant, and the benefit of celebrating something unique to Westfield as a community was "priceless". Stated that it is highly unusual for any event to deliver positive financials in its first year, especially since many of the startup expenses were fixed and would not be incurred in subsequent years. Feels because of its successful first year, it should be easier to obtain future sponsors and participation, which will bode very well for AddamsFest becoming an annual Westfield tradition. Informed residents that all financials and documentation would be publicly available on the Town's website in the coming days;

- Announced that members of the Mental Health Commission have been finalized, after receiving over fifty (50) applications for the four (4) open resident seats. Stated that she was deeply moved by the personal experiences shared in the applications, the clear commitment to a cause that impacts many in the community, and by the shared goal of removing the negative stigma around mental health issues. Announced those selected as members of the commission as follows:

Steering Committee

- Shelley Brindle, Mayor
- Dr. Margaret Dolan, Westfield Public Schools Superintendent
- Megan Avallone, RN, Westfield Public Health Director

Commission Members

- Liz Jeffery, Mayor's representative, resident

- Councilwoman Linda Habgood, Town Council liaison
- Maureen Mazzaresse, School District representative, Westfield School District Director of Counseling
- Laura Scanlon, RN, Westfield Public Health representative, public health nurse
- Janet Sarkos, Executive Director, Caring Contact
- Dr. Lauren Kaplan Sagal, psychiatrist
- Ron Holmes, resident volunteer
- Patricia (Tricia) DeCotiis, resident volunteer
- Mary Ann Foster, resident volunteer
- Gina Totino, resident volunteer

Steering Committee Liaison  
Ellen Devin

Stated that she looks forward to providing an update on plans over the coming weeks and months;

- Announced that it is the time of year when the Town looks to the community to fill openings on various boards and commissions for terms expiring at year-end. The Town is also seeking those interested in broader volunteer roles for ongoing Town events and service initiatives such as AddamFest and Earth Day clean up. The deadline to submit an application is Friday, December 14, 2018 for board consideration. The Town would also be seeking additional volunteers throughout the year;
- Discussed the advancement of a bill that would legalize the possession and personal use of recreational marijuana and stated that she met with Senator Kean to better understand the process and timing for when the bill might become law. Explained that committees from both the state Senate and Assembly approved the bill, and it now awaits a full vote in the state Legislature, which is expected to occur next week before it is sent for signature to Governor Murphy. Reassured the governing body and the public that no decision on this would be made without broad input from the full Town Council, public health officials, the police, and the public, to determine if the sale of legalized marijuana makes sense for the Westfield community, once all of the facts are known. This includes revenue benefits, health risks, crime impact, and the position taken by surrounding communities. Stated that she would be establishing a commission to evaluate it immediately after the new year, which would be tasked with soliciting input and making recommendations;
- Requested that residents tune in tomorrow night at 7:00 PM for a Facebook Live discussion moderated by two (2) editors of Westfield High School's award winning Hi's Eye. Stated that she would be reflecting upon her first year as mayor and priorities for 2019. She would also be answering questions from residents which can be submitted via the Town's website;
- Announced that the Senior Services Expo, hosted by the Senior Advisory Council, has been rescheduled to this Friday, December 14 from 9:00 to 11:00 AM in the Community Room in Town Hall. Invited all senior citizens to attend to learn about available senior services, and to complete a survey regarding services that might be desired. Also stated that free breakfast would be provided;
- Announced that the Town Council and the Board of Education made a joint statement yesterday following a recent incident at Edison School. Explained that as residents and

parents of children in the Westfield schools, the Town Council and the Board of Education wanted to make it clear that they jointly condemn all acts of racism, anti-Semitism, bigotry and expressions of hatred targeting any minority group, religion, or ideology. Stated that it is unfortunate that this recent incident is not an isolated event in Westfield's schools or in nearby communities. Explained that the Town shares in the profound concern and sorrow over this hatred and bias, and is committed to fostering a respectful culture with a zero tolerance of such acts. Feels these horrific incidents serve as a catalyst to fully embrace the spirit of this season, and, as a community, to commit to overpowering hate with an abundance of love, to suppress intolerance with acts of inclusion, and to drown out bigotry with compassion and kindness. Stated that one of the most rewarding aspects of being Mayor is the vantage point she is privileged to have by interacting with many different residents on a daily basis. Feels these acts are not reflected in what she sees and experiences on a daily basis, which is a community of committed and kind, compassionate neighbors and selfless volunteers;

- Extended her gratitude to citizens, the Town Council, friends and partners for a rewarding first year as Mayor. Stated that she is very excited about what 2019 will bring and wished all a wonderful holiday season.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

### **GENERAL ORDINANCE NO. 2118**

“GENERAL ORDINANCE NO. 2118 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13.”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

## **PENDING BUSINESS**

An ordinance entitled, GENERAL ORDINANCE NO. 2118 - “GENERAL ORDINANCE NO. 2118 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13.” by Councilman Dardia, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Arena

Dardia

Contract

Stokes

Mackey

Mayor Brindle

Nays: Neylan

Absent: LoGrippto



**BIDS****MINUTES**

On a motion by Councilman Stokes and seconded by Councilman Contract, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held November 20, 2018.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Susan Levy, 635 Salter Place, stated that she has been a Westfield resident for over fifteen (15) years and lives two (2) doors away from Gumbert Park. Referenced a previous Town Council meeting in May of 2018 in which she spoke in opposition to a temporary ice rink being installed at Gumbert Park, and provided an update as to the impact the rink has had on the neighborhood. Discussed the Town Council's approval of the rink despite opposition expressed by several residents. Also discussed the timeframe for construction, as well as the original plan for the rink, which included a tent for changing, sidewalk improvements, and plans to address noise, parking drainage, and lighting. Feels it has become clear that Gumbert Park is an unsuitable location for an ice rink. Stated that construction began a month earlier than the plan had indicated, which began with the removal of trees in the area around the basketball courts, and the basketball courts were unusable throughout the construction phase. Discussed issues with noise from construction equipment, stating that construction continued until 11:00 PM on several nights in order to ensure that the rink would open as originally scheduled. Discussed issues encountered with the plans for a changing tent that has resulted in trailers being parked on the site, which she feels is an eyesore. Also stated that the sidewalk improvements only included a sidewalk from the parking lot to the rink. There were no sidewalks installed from Fourth Avenue to North Avenue for commuters. Stated that noise from the chillers and the puck hitting the sidewalls of the rink have been disruptive to residents of the neighborhood, and users of the rink have been parking at nearby Garwood businesses, which has resulted in a twenty-four (24) percent reduction in sales for those businesses. Stated that she has personally witnessed people parking in the lot intended for local businesses, removing hockey equipment from their cars, and then walking to the rink in full view of the rink's operator. Also stated that she has witnessed the rink's operator parking in spaces designated as handicapped parking. Informed the Town Council that users of the rink are also using South Chestnut Street as a pick up and drop off location which has caused traffic issues. Also informed the Town Council that she and her neighbors have contacted the Police Department on several occasions to report buses idling in the parking lot and feels this issue will worsen as the weather becomes colder. Discussed expenses related to the rink, such as Police Department calls, landscaping and garbage removal, and stated that she hopes the Town is tracking these costs. Stated that lighting in the parking lot is not adequate, and feels the café style lighting that was installed is also an eyesore. Lastly, stated that the drainage issues were not addressed and the rain has resulted in significant icing in the playground area. Urged the Mayor and Town Council to consider the residents of the neighborhood and the impact the aesthetics, idling buses and noise have had on them. Stated that while she applauds the desire to experiment, feels a commercial ice rink does not belong at Gumbert Park and that this experiment has failed.

Stated that residents of the neighborhood must endure these issues for another two and a half (2 ½) months, plus another month of deconstruction. Feels it is unreasonable that residents of this neighborhood must endure this for six (6) months per year, and stated that while she believes an ice rink is a good idea, she believes the Gumbert Park location was not.

Colleen Meacock, 643 South Chestnut Street, stated that she lives across the street from the Gumbert Park parking lot, and would like to provide the Mayor and Town Council with an update as to the issues her family has personally experienced since the construction of the ice rink. Stated that when she purchased her home in 2006, Gumbert Park closed at dusk like most parks, but the park is now open until 10:00 PM to support the rink. Explained that most residents use their evening hours to unwind, but neighbors of the ice rink must endure constant light and sound during the evening hours. Stated that headlights of idling buses and cars shine directly into her home, and people in the parking lot can see directly into her home which has impacted her privacy. Her family can also hear people talking, cars beeping when the doors are locked, and kids shouting as they board buses. Also discussed spotlights installed at the baseball field house, café lighting installed in the parking lot, and new LED lighting installed in the street light at the corner of Fourth Avenue and South Chestnut Street. Stated that the lights are bright and visible from the inside of her home, especially the light installed in the street light, even though residents were promised there would be no new lighting. Discussed noise issues from the puck hitting the sidewalls of the rink and shouting that can be heard from both of her children's bedrooms with the windows closed. Explained that the noise is intensified at night, and her children need to tune it out in order to do homework. Discussed the hours of operation for the rink, stating that it is open twelve (12) to thirteen (13) hours per day on weekends and approximately six (6) hours per day during the week, which does not include the hours the rink is lit up. Stated that the rink is in operation approximately fifty-three (53) hours per week, of which sixteen (16%) percent is allocated for public use. Stated that overall, approximately ninety-two (92%) percent of rink's usage is for hockey, with approximately eight (8%) percent allocated for public skating, with the majority of ice hockey usage by residents outside of Westfield. Feels Westfield and Garwood residents are bearing the burden for a for-profit business owner and Union County ice hockey teams. Urged the Mayor and Town Council to represent the issues of its residents and to find a better location for the ice rink.

Mayor Brindle thanked Ms. Levy and Ms. Meacock for their comments and stated that their input is important. Explained that the Recreation Commission would be providing opportunities for community input and suggested that Ms. Levy and Ms. Meacock participate in the assessment that would be conducted.

Councilwoman Neylan discussed the fact that Ms. Levy and Ms. Meacock are residents of the ward she represents and stated that she takes exception to the manner in which this process has been handled from the beginning. Expressed sympathy to the residents who have been impacted with quality of life issues as a result of the ice rink. Feels all residents should have a reasonable expectation of peace and privacy when they arrive home from work and believes the issues they have endured are unfair. Stated that several residents have contacted her to express their unhappiness with the rink, and feels from the beginning that the rink's operator has been a bad neighbor. Stated that it began with the construction and has continued with long hours of operation.

Mayor Brindle stated that she takes exception to the comment that the rink's operator has been a bad neighbor. Explained that this is not the proper forum to discuss the ice rink and that there would be a public forum offered by the Recreation Commission in which the rink's operator would be in attendance. Stated that she disagrees with the characterization of the rink's operator and also stated that while there are residents voicing their opposition to the ice rink, she has been contacted by neighbors of Gumbert Park who are very happy with the ice rink. Feels there is one point of view being represented this evening, which is important, but feels the points of view of all neighbors, the rink operator and the Recreation Commission are equally important. Assured residents that she does not have a vested interest in the rink, and that the rink was always intended as a trial so that an assessment could be made based upon facts.

Councilwoman Neylan feels it is important that the residents impacted by the rink have the opportunity to provide their input at a Town Council meeting. Also feels this is an appropriate forum and does not believe residents should be limited to a listening session.

Mayor Brindle explained that she agrees with Councilwoman Neylan, but feels it is important to have all viewpoints represented.

Councilwoman Neylan feels all residents are welcome to provide their input and comments at a Town Council meeting.

Mayor Brindle stated that she agrees and thanked Ms. Levy and Ms. Meacock for attending this evening.

Councilwoman Neylan referred to an incident shared by Councilman Dardia that occurred at the rink, which involved Councilman Dardia's wife nearly being injured by a careless driver. Feels this incident indicates that people are driving and parking in a reckless manner and are harming the residents of Westfield. Feels these residents should have their voices heard and also feels that they have not had that opportunity. Thanked Ms. Levy and Ms. Meacock for speaking tonight. Feels while it is a small group of people that have been impacted, the issues are very serious.

Janice Karlen Pollock, 501 Summit Avenue, stated that she would like to address the issue of illegal two (2) hour parking that is occurring on the south side of Town and the lack of consistent enforcement. Provided examples of the violations that are occurring, stating that the same people are parking in the two (2) hour zone for the entire day, and she has witnessed people parking and then walking to the train station. Stated that one day last week, there were no available parking spaces on the street, and that in addition to there being no space available to park, there was also no space available for her to put her leaves out for pick up. Also stated that people parked their vehicles on leaf piles, which could have interfered with leaf collection if Summit Avenue had been scheduled for collection that day. Feels the issue has been created because of a lack of enforcement, and the fines that are issued are minimal. Explained that she is not requesting the creation of a new law, but the need for enforcement of a current law. Also feels the reduction in enforcement is impacting revenue, which will result in increased taxes. Feels a determination as to the amount of revenue lost due to a reduction in enforcement needs to be examined. In addition, discussed construction occurring in the neighborhood which has worsened the parking problem. Stated that a situation has been created in which she is unable to park in front of her own home.

The Town Administrator informed Ms. Pollock that there should have been enforcement today and that the matter would be discussed at the next Public Safety, Transportation and Parking Committee meeting scheduled for December 19, 2018. Explained that part of the reason why people are attracted to parking in this area is because it is only one (1) block from the train station. Discussed parking restrictions, permitting and other options to be considered at the meeting next week to address this issue. Also reiterated his previous statement concerning the enforcement that occurred today and that enforcement would continue.

Councilman Contract asked Ms. Pollock to keep him updated and stated that he agrees with her as to the need for enforcement.

Shawn Mullen, Carleton Road, discussed a vehicle theft that occurred in the parking lot of the 7-Eleven on Central Avenue adjacent to his neighborhood. Commended the Police Department for closing the case, but explained that there are aspects of the crime that disturbed him. The first being that the theft occurred during the overnight hours and resulted in a high-speed chase which put lives at risk. In addition, the individuals who had stolen the car used it in an armed robbery, and were either armed when the car was stolen in Westfield or had the ability to access weapons after stealing the car. Discussed the unanimous approval of 7-Eleven's application, including approval of several variances that were required, versus the application for the recent subdivision on New England Drive, which was recently denied and required no variances. Feels Mayor Brindle needs to continue to reexamine and make changes to the Planning Board. Referred to the resolution adopted by the Planning Board concerning its findings and approval of 7-Eleven's application, which indicated that the proposed structure would be appropriate to the neighborhood, that the benefits resulting from the deviation from the Town's land use ordinance with respect to the required variances substantially outweighed any detriment to the community, and that the relief sought by the applicant could be granted without detriment to the public good. Explained that during the time that the 7-Eleven application was being considered, residents requested that the Town Council reexamine its ordinance with respect to 24/7 businesses, but no change to the ordinance was made because of the business climate at that time. Feels the recent car theft and its use in an armed robbery in another community indicates that a detriment to the community exists and feels a reexamination of 24/7 businesses is necessary. Discussed efforts to craft ordinances that are more business friendly and requested that Town Council also consider factors that could impact quality of life. Also feels more enforcement is needed at 7-Eleven. Explained that while enforcement has occurred, it has been reactive. Provided examples of activities that are occurring at 7-Eleven which are not supposed to be allowed as per the approval of their application, such as overnight deliveries with large vehicles and the outside sale of firewood. Also discussed numerous traffic violations that frequently occur in the area of the 7-Eleven. Feels the quality of life for residents in the neighborhood is in jeopardy. Also feels 24/7 businesses are not necessary because he believes they attract criminal activity.

Mayor Brindle asked Mr. Mullen and his neighbors to continue to be proactive and to contact the Town as violations occur.

Jean Erickson, New England Drive, commended Mayor Brindle and the Planning Board for unanimously rejecting the application to bulldoze a single family property on New England Drive in order to build two (2) smaller homes. Stated that she is proud of her neighborhood and for the many supporters who voiced their opposition to ongoing construction and

overdevelopment in Town. Requested that the Town Council continue its revision of its land use ordinance in order to preserve and nurture what she believes has made Westfield a beautiful place to live.

Andrew Stillufsen, 667 Fourth Avenue, stated that he is the owner of the historic home mentioned during Ms. Kessler's update. Commended Ms. Kessler for her commitment to work with him to preserve his historic home by approving a new home on the subdivided property. Explained that the original recommendation by the Historic Preservation Commission was to deny the subdivision however the Planning Board approved the subdivision and agreed that preserving his historic home through the subdivision was a laudable goal. Reiterated his appreciation to Ms. Kessler for her commitment to working with him, and also thanked Mayor Brindle for bringing everyone together to preserve Westfield's history.

Mayor Brindle also thanked Mr. Stillufsen's wife, stating that she was instrumental in identifying a solution.

Jeff Pate, 624 Salter Place, referred to the comments concerning the denial of the subdivision application for property located on New England Drive and the Town's support for the residents of that neighborhood, even though the subdivision was legally allowed. Stated that the Town listened to the residents opposed to the subdivision and feels the same support and courtesy should be given to the neighbors of Gumbert Park.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood, and seconded by Councilman Dardia, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$502,189.97 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

#### **Finance Policy Committee**

The following resolutions, introduced by Councilwoman Habgood, Chairman of the Finance Policy Committee, and seconded by Councilman Contract, were unanimously adopted.

#### **Resolution No. 285**

WHEREAS, the following applicants have placed the required cash bond of \$500.00 to cover:

Permit No.	Date	Name of Applicant	Address of Opening
16-027	2/14/16	Harol Landscaping & Design, Inc. P.O. Box 7343 Watchung, NJ 07069	521 Boulevard
16-067	3/3/16	Communications Construction Group	0 Lenox Avenue

		General Account 1060 Andrew Drive, Suite 130 West Chester, PA 19380	
16-088	3/10/16	Messercola Excavating, Inc. 549 E. 3 <sup>rd</sup> Street Plainfield, NJ 07060	144 Madison Avenue
16-150	5/5/16	Hoff Brothers Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	104 Washington Street
16-151	5/5/16	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	541 Colonial Avenue
16-197	6/10/16	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	34 Westbrook Road
16-302	9/21/16	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	123 South Avenue East
16-340	8/17/16	Elite Construction of Warren, Inc. P.O. Box 4449 Warren, NJ 07059	16 Stanley Oval
16-360	11/16/16	Polamco Contracting LLC 7510 Spencer Lane Warren, NJ 07059	751 Lawrence Avenue
17-102	3/1/17	Jane Hoffman 834 Standish Avenue Westfield, NJ 07090	834 Standish Avenue
17-132	4/27/17	Steven R. Schipper 43 Mohawk Trail Westfield, NJ 07090	43 Mohawk Trail
17-147	5/5/17	Scott Seib Plumbing & Heating, Inc. 821 Sherbrooke Drive Westfield, NJ 07090	111 East Grove Street
17-152	5/11/17	Templeton & Shaw LLC 28 Jays Corner Somerset, NJ 08873	106 Oxford Terrace
17-185	6/19/17	Teandar Realty Co., L.L.C, aka Zak Properties LLC 200 Central Avenue Mountainside, NJ 07092	339 West Broad Street (corner of Rahway Avenue)
17-224	8/5/17	Scott Lim 1116 Ripley Avenue Westfield, NJ 07090	1116 Ripley Avenue
17-245	8/23/18	A - N Landscaping 220 South Avenue East Westfield, NJ 07090	637 St. Marks Avenue
17-246	8/23/17	Ferro Builders Construction LLC 52 Wendell Place Clark, NJ 07066-2323	512 Bradford Avenue
17-247	8/24/17	Verizon NJ Inc. c/o Lawrence M. Gaeta 18 Burton Lane Rockaway, NJ 07866	411 North Avenue West

17-314	10/20/17	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	631 Elm Street
18-207	5/14/18	Evan Topilow 355 Orenda Circle Westfield, NJ 07090	1404 Boulevard
16-154	4/7/16	Frank Galdi 719 Lenape Trail Westfield, NJ 07090	719 Lenape Trail

and,

WHEREAS, the above applicants are entitled to have this amount be returned to them,  
and

WHEREAS, the Town Engineer, has inspected the roadway excavations and has found  
the excavations to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a  
warrant in the name of the applicants noted above for \$500.00 and forward to the  
applicants' addresses also noted above.

**Resolution No. 286**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the  
amount of \$1.20 to the order of New Jersey Department of Health, P.O. Box 369,  
Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of  
November 2018.

**Resolution No. 287**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the  
amount of \$1,500 to the order of the United States Postal Service to replenish bulk mail  
permit no. 683 in order to process the Town's brochure.

**Resolution No. 288**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw  
warrant for unused parking permit fee as follows:

Jordan Toma	Lot 8/Permit #18080332	\$100.00
3 North Oak Court		
Madison, NJ 07940		

**Resolution No. 289**

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the  
order of the following persons, this being the amount taxes were overpaid for the year  
2017 pursuant to the Tax Court of New Jersey:

Block/Lot		
Name	Address	Amount
3301/3	653 Fairmont Avenue	\$1,849.20
NICOL, William A & Robin B		
1404/9	4 Cherry Lane	\$4,160.70
HALEY, Drew P & Kimberly A		
2807/9	846 Shackamaxon Drive	\$1,849.20
COMBA, Robert W & Helen S		

**All Checks payable to:**

Homeowner &amp; Maria R. Cozzini

**Mail all checks to:**

Law Office of Maria R Cozzini, LLC  
 1199 US Route 22 East  
 Mountainside, NJ 07092

**Resolution No. 290**

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to WYCHWOOD GARDENS COOP ASSOC INC, this amount being overpaid due to Veteran and Senior Citizen deductions for 2018:

Applicant	Deduction Type	Deduction Amount
Mueller	Senior Citizen	\$250.00
Viglianti	Senior Citizen	\$250.00
	Veteran	\$250.00
Tafelski	Surviving Spouse of Senior Citizen	\$250.00
	Widow of Veteran	\$250.00
Blyskal	Widow of Veteran	\$250.00
Fishkin	Veteran	\$250.00
		\$1,750.00

**Check payable and mailed to:**

WYCHWOOD GARDENS COOP ASSOC INC  
 % FALKIN ASSOC  
 P.O. BOX 545  
 CRANFORD, NJ 07016



**Resolution No. 291**

WHEREAS, there exist on the records in the Tax Collector's office sewer balances for the year 2018:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the sewer balances below for the year 2018:

Account ID	Balance
49-0	\$0.37
153-0	\$0.37
752-0	\$0.37
820-0	\$0.37
919-0	\$6.23
960-0	\$0.37
1059-0	\$0.37
1091-0	\$0.37
1109-0	\$0.37
1179-0	\$0.37
1257-0	\$0.37
1341-0	\$1.25
1485-0	\$4.14
1611-0	\$0.37
1635-0	\$0.37
1697-0	\$0.37
1897-0	\$0.37
1962-0	\$0.37
1987-0	\$6.39
2188-0	\$0.37
2204-0	\$0.37
2209-0	\$3.56
2249-0	\$0.40
2314-0	\$0.37
2358-0	\$0.37
2736-0	\$0.37
2840-0	\$0.37
3026-0	\$0.37

3309-0	\$0.37
3355-0	\$0.37
3384-0	\$0.58
3524-0	\$0.92
3602-0	\$0.80
3672-0	\$1.06
3809-0	\$0.37
3833-0	\$0.37
3967-0	\$1.06
4041-0	\$0.37
4148-0	\$0.37
4178-0	\$0.37
4419-0	\$0.37
4507-0	\$6.86
4996-0	\$5.35
5077-0	\$0.37
5191-0	\$0.92
5308-0	\$0.06
5326-0	\$1.20
5378-0	\$0.37
5607-0	\$0.37
5653-0	\$0.37
5821-0	\$0.37
5874-0	\$0.37
5909-0	\$0.37
5939-0	\$0.37
6015-0	\$5.00
6259-0	\$4.91
6264-0	\$0.37

6427-0	\$0.37
6758-0	\$0.37
6828-0	\$0.37
7339-0	\$0.37
7473-0	\$5.00
7664-0	\$0.37
7687-0	\$0.37
7715-0	\$0.37
7979-0	\$0.37
8534-0	\$0.37
8786-0	\$0.37
8848-0	\$0.37
9255-0	\$0.37
9378-0	\$0.37
9606-0	\$0.37

**Resolution No. 292**

WHEREAS, there exist on the records in the Tax Collector's office tax balances for the year 2018:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the tax balances below for the year 2018:

Block	Lot	Qual	Balance
107	2.02		\$0.02
201	51		\$0.01
202	6		\$1.04
401	16		\$0.01
401	27.01		\$0.01
405	11		\$0.01
406	7		\$0.64
406	16		\$0.23
501	22		\$0.13
504	1		\$0.01
602	2		\$0.27
603	15		\$0.06
1004	20	C0024	\$0.01
1005	2		\$1.26
1005	7		\$6.00
1005	12		\$0.02
1108	7		\$0.10
1304	31		\$9.30
1306	20		\$0.01
2003	12		\$1.82
2003	34		\$0.02
2203	18		\$0.20
2211	15		\$0.57
2404	53		\$0.06
2406	10	C0001	\$0.82
2503	13		\$0.01
2505	33	C0018	\$0.51
2604	3		\$0.08
2608	2		\$0.01
2704	24		\$5.67
2815	7.1		\$0.77
2816	21		\$0.58
2816	47		\$2.00
2901	20		\$6.40
2902	5		\$0.01
2902	7		\$0.14
2911	22		\$0.02
3005	15		\$0.07
3105	22		\$0.42
3114	5		\$0.01

3206	6		\$0.30
3301	2		\$0.18
3401	12		\$0.04
3403	16		\$0.01
3408	43		\$0.42
3604	25		\$5.68
3901	1	C0009	\$0.01
3906	4		\$0.01
4001	43		\$4.67
4001	80		\$0.18
4204	11		\$0.38
4205	27		\$0.22
4206	23		\$0.01
4301	24		\$0.10
4301	67		\$0.50
4401	6		\$0.26
4402	31		\$1.60
4403	2		\$9.25
4502	15		\$0.74
4503	26		\$0.34
4506	1		\$0.14
4603	12		\$0.01
4813	36		\$4.02
5011	23		\$1.01
5201	25		\$0.03
5202	25		\$0.01
5302	18		\$0.02
5502	8		\$0.01
5509	14		\$0.01
5602	13		\$0.03
5702	6		\$0.08

**Resolution No. 293**

RESOLVED that the Chief Financial Officer be and hereby is directed to draw warrants in favor of the active Volunteer Firefighters named below, none of whom is otherwise personally compensated for their services as Volunteer Firefighters for the respective amounts opposite their names; said payment to cover any losses they and each of them may have incurred in attending upon putting out fires in the Town of Westfield in the year 2018.

Daniel Kelly                      \$400.00

**Resolution No. 294**

RESOLVED that the Chief Financial Officer be authorized to draw warrants in the amount of \$1.00 to the following named Mayor and Council of the Town of Westfield in payment of annual salary in full for the year 2018 to wit:

Honorable	Michelle W. Brindle
Councilwoman	Linda Habgood
Councilwoman	Dawn Mackey
Councilwoman	JoAnn Neylan
Councilman	Frank Arena
Councilman	David Contract
Councilman	Michael Dardia
Councilman	Mark LoGrippe
Councilman	Doug Stokes

**Resolution No. 295**

WHEREAS, the Board of Trustees of the Westfield Memorial Library, pursuant to authority granted to the Trustees by statute, has adopted a payroll for employees and the salary amounts.

NOW, THEREFORE BE IT RESOLVED, that the payroll consisting of the following regularly salaried employees of the Westfield Memorial Library represented by the Communications Workers of America be adopted effective January 1, 2019 and that the Chief Financial Officer be authorized to make payment to, and draw warrants bi-weekly in accordance with the following schedule:

<u>Name</u>	<u>Title</u>	<u>Salary</u>
Marge Barkan	Senior Librarian	\$58,630
Jeffery Bennett	Senior Librarian	\$61,308
Amanda Richards	Senior Librarian	\$56,811
Patricia Sassoon	Senior Librarian	\$63,161

**Resolution No. 296**

WHEREAS, it is necessary to formally cancel receivable balances from the balance sheet for grants that have expired, and

WHEREAS, the Chief Financial Officer is hereby directed to cancel such receivables to Operations.

NOW, THEREFORE BE IT RESOLVED, that the following receivable balances, in the amount of \$1,615.59, are hereby cancelled:

Federal Bullet Proof Vest	\$384.99
Partnership Program	
Drive Sober or Get Pulled Over	540.00
Municipal Alliance on Alcohol & Drug Abuse	<u>\$690.60</u>
<b>Total</b>	<b>\$1,615.59</b>

**Resolution No. 297**

WHEREAS, there exists various Grant Reserves on the balance sheet of the Current Fund, and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be cancelled to Operations.

NOW, THERFORE BE IT RESOLVED, that the following reserve balances, in the amount of \$37,738.10, are hereby cancelled:

Municipal Alliance on Alcoholism	\$5,157.60
Drive Sober of Get Pulled Over	540.00
Union County Kids Recreation Trust	31,550.50
Greening Union County	490.00
<b>Total</b>	<b>\$37,738.10</b>

**Resolution No. 298**

BE IT RESOLVED that, in accordance with the provisions of N.J.S.A. 40A:4-19, the following appropriations for Interest and Debt Redemption charges for the year 2019 be and the same are hereby appropriated as follows:

**MUNICIPAL DEBT SERVICE**

Principal – Municipal Bonds	\$2,605,000.00
Interest on Municipal Bonds	<u>488,907.50</u>
	<u>\$3,093,907.50</u>

**SWIM POOL DEBT SERVICE**

Principal – Pool Bonds	\$325,000.00
Interest on Pool Bonds	<u>57,590.00</u>
	<u>\$382,590.00</u>

**SPECIAL IMPROVEMENT DISTRICT LOAN**

Principal – DCA Loan	<u>\$17,000.00</u>
----------------------	--------------------

**Resolution No. 299**

WHEREAS, there are no Council meetings scheduled after December 11, 2018 and claims and bills may be presented which could require the transfer of appropriations from accounts which have an excess to those with a shortage to cover the payment of said claims and bills.

NOW, THERFORE BE IT RESOLVED, that the Chief Financial Officer be and is hereby authorized to make the necessary transfer of appropriations for all bills and claims which are received between December 11 and December 31, 2018.

FURTHER RESOLVED that an itemized list of said transfer shall be provided to the Mayor and Council members for the first regular meeting in January, 2019 following the Organization Meeting with any objections or questions presented to the Treasurer or Administrator.

**Resolution No. 300**

WHEREAS, there are no Council meetings scheduled after December 11, 2018 and it is advisable to authorize the Chief Financial Officer to pay bills and claims which may be incurred after the December 11<sup>th</sup> Council meeting bill payment cut-off date of November 30<sup>th</sup>, 2018 and before years end.

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and is hereby authorized to pay all bills and claims whose due date falls between November 30 and December 31, 2018, and

BE IT FURTHER RESOLVED that an itemized list of said bills and claims shall be provided to the Mayor and Council members by December 28, 2018 with any objections or questions to be presented to the Chief Financial Officer by December 31, 2018 who shall answer said questions or pull the bill for further consideration at the first regular meeting in January, 2019 following the Organization Meeting, along with all other bills being paid.

**Resolution No. 301**

WHEREAS, there are certain improvement authorizations that were funded in total or in part by proceeds of bonds issued or through the utilization of Capital Surplus, and

WHEREAS, there are unexpended balances of aforementioned improvement authorizations and no further expenditures will be disbursed from said authorizations.

RESOLVED, that the attached listing of balances of improvement authorizations be cancelled and credited to either the Capital Improvement Fund, Capital Surplus or to reduce the amount of Bonds and Notes Authorized But Not Issued, as appropriate.

TOWN OF WESTFIELD GENERAL CAPITAL FUND SCHEDULE OF IMPROVEMENT AUTHORIZATIONS CANCELLED DECEMBER 11, 2018

Ord.		Ordinance	Original			Bonds and Notes
No.	Improvement Description	Date	Authorized Amount	Total Cancellations	Capital Surplus	Authorized But Not Issued
2186	Improvement of Barchester Way	07/20/10	375,000.00	26,112.56		26,112.56
2188	Equipment - Downtown	07/09/13	31,000.00	269.14	269.14	
2202	Tamaques Park Tennis Court Renovation	02/24/15	510,000.00	40,314.99	40,314.99	
2204A	Digital Radio System	11/04/15	1,320,000.00	83,359.64	83,359.64	
2204B	Fire Department Engine Truck	11/04/15	650,000.00	99.03	99.03	
2204C	Various Improvements - Fire Headquarters, New IT Equipment	11/04/15	55,000.00	1,035.80	1,035.80	
				\$151,191.16	\$125,078.60	\$26,112.56

**Resolution No. 302**

WHEREAS, the 2017 Operating Budget Appropriation Reserves contains encumbrances in certain appropriations that will not be paid until 2019.

NOW, THEREFORE BE IT RESOLVED, that the following appropriation reserve balances be transferred to an Accounts Payable in the amount of and purpose set forth below:

<u>Department</u>	<u>Purpose</u>	<u>Amount</u>
Town Clerk	Document scanning, Refund	173.56
Assessor (Revaluation)	Revaluation	311,200.00
Fire Department	Painting, Duct replacement	28,800.00
Police Department	911 desk, lights	5,557.10
Public Works	Repairs and parts, site remediation	35,479.39
Building Inspection	Document scanning	<u>8,648.11</u>
<b>Total</b>		<b>389,858.16</b>

**Resolution No. 303**

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068 submitted a proposal to perform such services outlined for two percent (2%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant.

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068, in the sum of \$15,093.84 representing the balance of the annual assessment.

**Resolution No. 304**

WHEREAS, there exists outstanding checks on the reconciliation of the following Funds,  
and

WHEREAS, these checks have been investigated and it has been determined that these  
checks should be cancelled;

RESOLVED, that the following outstanding checks in the total amount of \$ are hereby  
cancelled:

Account	Check Date	Check No.	Check Amount
<b>Current Fund</b>			
Lisa Lamorticella	10/19/17	72769	3,169.18
Hon. Andrew Skibitsky	12/12/17	73315	1.00
Hon. David Oliveira	12/12/17	73316	1.00
Hon. Kenneth Donnelly	12/12/17	73317	1.00
Hon. Doug Stokes	12/12/17	73318	1.00
Hon. Frank Arena	12/12/17	73319	1.00
Hon. JoAnn Neylan	12/12/17	73320	1.00
Hon. Keith Loughlin	12/12/17	73321	1.00
Hon. Mark LoGrippe	12/12/17	73322	1.00
Hon. Sam Della Fera	12/31/17	73323	<u>1.00</u>
<b>Total for Current Fund</b>			<b>3,178.18</b>
<b>Trust-Other Fund</b>			
Monarch Homes	2/7/17	21033	500.00
Brandon and Ashley Pagelow	6/27/17	21161	449.47
Erika Qualben	8/14/17	21228	<u>140.00</u>
<b>Total for Trust-Other Fund</b>			<b>1,089.47</b>

The following resolution, introduced by Councilwoman Habgood, seconded by Councilwoman Mackey was adopted by the following roll call vote:

**Resolution No. 305**

RESOLVED that the Chief Financial Officer be authorized to make the following  
transfer(s) in the 2018 budget accounts:

**CURRENT FUND****OUT****IN****TOWN CLERK**

8-01-102-211 Other Expenses (O&E)

1,500.00

**CABLE TV 36 SERVICE**

8-01-104-211 (O&E)

2,800.00

## COLLECTION OF TAXES

8-01-105-101 Salaries & Wages (S&W)	2,500.00	
8-01-105-211 (O&E)		2,500.00

## LEGAL SERVICES &amp; COSTS

8-01-120-211 (O&E)	6,500.00	
--------------------	----------	--

## FIRE HYDRANT SERVICES

8-01-123-211 (O&E)		8,800.00
--------------------	--	----------

## FIRE SAFETY OFFICIAL

8-01-127-101 (S&W)		9,000.00
--------------------	--	----------

## MUNICIPAL ALLIANCE – LOCAL MATCH

8-01-128-211 (O&E)		3,820.55
--------------------	--	----------

## POLICE

8-01-130-101 (S&W)	77,600.00	
--------------------	-----------	--

## PUBLIC WORKS

8-01-137-101 (S&W)		30,000.00
--------------------	--	-----------

## BOARD OF HEALTH

8-01-150-211 (O&E)	3,820.55	
--------------------	----------	--

## RECREATION

8-01-155-201 (O/E)		2,000.00
--------------------	--	----------

## GASOLINE

8-01-171-211 (O/E)		30,000.00
--------------------	--	-----------

---

\$90,420.55


---

\$90,420.55

Yeas: Habgood

Arena

Dardia

Contract

Stokes

Mackey

Mayor Brindle

Nays:

Absent: Neylan

LoGripipo

Town Council Comments:

Councilman Arena referred to the resolution authorizing the \$1.00 salary for Town Council members and the Mayor, and feels it should be noted that Westfield is the largest municipality in New Jersey in which councilmembers and the mayor are not paid a salary. Discussed the fact



that salary increases were just authorized for members of the Union County Board of Chosen Freeholders. Stated that Westfield's elected officials are volunteers and serve the community from their heart.

Councilwoman Habgood announced that a public meeting would be held at the end of January in connection with the budget process. Feels it is important to obtain public input and encouraged residents to check for future announcements once a date for the meeting is confirmed.

**Public Safety, Transportation and Parking Committee**

The following resolutions, introduced by Councilman Dardia, Chairman of the Public Safety, Transportation and Parking Committee, and seconded by Councilman Stokes, were unanimously adopted.

**Resolution No. 306**

WHEREAS, the Town of Westfield owns a white 2003 Dodge Durango, VIN #: 1D4H538NG3F595150, and this vehicle no longer serves a Fire Service purpose and it is in the best interest of the Town to advertise this vehicle for auction, and;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that this vehicle will be offered on the Municibid online auction site to the public at a date to be announced and shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a minimum price shall be established for the items and that no bid below this price shall be accepted, and;

BE IT FURTHER RESOLVED that all such property not bid on or claimed by owners will be held for future auction with the date to be determined and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be final and payment only by certified check or money order at the time of said auction payable to Town of Westfield, and;

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and instructed to take such further steps as may be required by law to effect such sale and auction, including the advertising of the sale of such property by other means in addition to the legal notice required by law, and the establishment of a place and time where the merchandise to be offered for sale may be viewed by potential bidders.

**Code Review & Town Property Committee**

The following resolution, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilman Contract, were unanimously adopted.

**Resolution No. 307**

BE IT RESOLVED that pursuant to N.J.S.A. 40-45A-1, the Organization Meeting of the Town Council of the Town of Westfield for the year 2019 will be held on Thursday, January 3, 2019 at 6:30 PM in the Council Chambers of the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

**Resolution No. 308**

NOTICE that the Town Council of the Town of Westfield will meet in Conference Session, at which meeting the public may attend and make comments, and address Council to discuss and consider matters of public business, upon which no formal action will then be taken but which may subsequently be acted upon in a regular Council Meeting, on the following dates in 2019 in the Administrative Conference Room in the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey, at 7:00 PM, the said dates being the following Tuesdays:

January 15 and 29  
February 12 and 26  
March 12 and 26  
April 9 and 23  
May 7 and 21  
June 4 and 18  
July 9  
August 13  
September 3 and 24  
October 15 and 29  
November 12 and 26  
December 10

TAKE FURTHER NOTICE that the Town Council of the Town of Westfield will meet in regular public meeting, at which the public may attend and participate, on the following dates in 2019 in the Council Chambers of the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey, at 8:00 PM and will meet in the adjacent Council Conference Room for a preliminary meeting before the regular meeting at 7:45 PM, which the public may also attend, the said meeting dates being the following Tuesdays:

January 15 and 29  
February 12 and 26  
March 12 and 26  
April 9 and 23  
May 7 and 21  
June 4 and 18  
July 9  
August 13  
September 3 and 24  
October 15 and 29  
November 12 and 26  
December 10

**Public Works Committee**

The following resolution, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilwoman Habgood, were unanimously adopted.

**Resolution No. 309**

WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2018 Improvement of Parking Lot #7 as authorized by the S.O. 2203A, S.O. 2208A and Downtown Improvement Project 2018, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. The additional expenditure is to be charged to S.O. 2208A, on Purchase Order 18-02562.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$40,996.76 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2018 Improvement of Parking Lot #7 increasing the contract price to \$350,939.51.

**Resolution No. 310**

WHEREAS, D.L.S. Contracting, Inc., has completed all of the work necessary for the 2018 Improvement of Grove Street as authorized by S.O. 2212A, and

WHEREAS, actual quantities required in the field were less than originally bid, allowing for a reduction of \$41,434.92 in the original contract price, and

WHEREAS N.J.A.C. 5:30 provides for adjustments in contracts through Change Order and Council Resolution, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$201,515.08 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2212A, under Purchase Order 18-02243, and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 reducing the contract in the amount of \$41,434.92 and executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$4,030.30 and to effect whatever actions are appropriate by said final acceptance for the 2018 Improvement of Grove Street, with a final contract price of \$201,515.08.

**Resolution No. 311**

WHEREAS, D.L.S. Contracting, Inc., has completed all of the work necessary for the 2018 Improvement of Walnut Street as authorized by S.O. 2212A, and

WHEREAS, actual quantities required in the field were less than originally bid, allowing for a reduction of \$14,014.15 in the original contract price, and

WHEREAS N.J.A.C. 5:30 provides for adjustments in contracts through Change Order and Council Resolution, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$165,039.60 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2212A, under Purchase Order #18- and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 reducing the contract in the amount of \$14,014.15 and executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$6,240.79 and to effect whatever actions are appropriate by said final acceptance for the 2018 Improvement of Walnut Street, with a final contract price of \$165,039.60.

**Resolution No. 312**

WHEREAS, sealed bids were received on October 24, 2018 and November 20, 2018 by the Town Clerk for the 2019 Curbside Collection of Recyclable Material in Westfield, New Jersey as authorized by Public Works Account 137-245; and

WHEREAS, one (1) bid was received on both occasions but were rejected because the Town Engineer determined that the cost exceeded the estimate for this service; and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two (2) occasions has been unsuccessful; and

WHEREAS, at a meeting held November 20, 2018, the Town Council adopted Resolution No. 284-2018, authorizing the Town Engineer to negotiate a contract for 2019 Curbside Collection of Recyclable Material; and

WHEREAS, efforts to negotiate a lower cost with the lone bidder as well as with other vendors were unsuccessful.

NOW, THEREFORE, E IT RESOLVED by the Town Council of the Town of Westfield that a contract for the 2019 Curbside Collection of Recyclable Material be and hereby is awarded to Giordano Company, 142-156 Frelinghuysen Avenue, Newark, New Jersey 07114, effective January 1, 2019 at a cost not to exceed \$607,000.00; subject to the availability of funds in the 2019 operating budget; and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution of discharge of this Contract.

#### Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$140,860.00 for the month of November 2018 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in November 2018 in the amount of \$5,168.34 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$14,369.00 representing monies collected during the month of November 2018.

Report of Christopher Battiloro, Acting Chief of the Police Department, showing fee collecting in the amount of \$3,227.15 during the month of November 2018

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$466.00 during the month of November 2018 was received, read, and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$34,704.82 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of November 2018 was received, read and ordered filed.

The following resolution, introduced by Councilwoman and seconded by Councilman Dardia was unanimously adopted.

**EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, that the public shall be excluded from discussion of the following matter(s)

- A confidential matter, under Federal Law or State Statute, or rule of court; and
- A collective bargaining agreement, including negotiation of terms; and

BE IT FURTHER RESOLVED that Minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

Respectfully submitted,

Tara Rowley, RMC  
TownClerk